

# MINUTES

## ARIZONA STATE, TRIBAL & FEDERAL COURT FORUM Indian Child Welfare Act Committee

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Friday, March 22, 2013, 1:30 p.m. - 4:30 p.m.  
Arizona Courts Building, Room 230  
1501 West Washington  
Phoenix, AZ 85007

### ICWA Members Present:

Barbara Atwood – telephonic  
University of Arizona  
James E. Rogers College of Law

Andrew Marioni (attended for  
Shannon Benton)  
Arizona Dept. of Economic Security

Byron J. Donahue  
Tribal Social Services

Michelle Nimmo - telephonic  
Office of Attorney General

Marjorie Eagleman  
Bureau of Indian Affairs – Western Reg. Office

Hon. Kathleen Quigley, Co-Chair  
Pima County Juvenile Court

Hon. Kami Hart, Co-Chair  
Gila River Children's Court

Hon. Roland Steinle  
Maricopa Superior Court

Verna Johnson – telephonic  
Inter Tribal Council of Arizona, Inc.

### Administrative Office of the Courts (AOC) Staff Present:

David Withey  
Victor Machiche

Brenda Lee Dominguez

### Participants/Visitors Present:

Joan Bahe  
Bureau of Indian Affairs – Western Reg. Office

Dawn Williams - telephonic  
Arizona Attorney General's Office

Adam Johnson  
Arizona Attorney General's Office

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- I. **Registration** - (Beginning at 1:00 p.m.)
  - II. **Call to Order and Greeting** - Judge Kathleen Quigley and Judge Kami Hart Meeting called to order at 1:32 pm.
  - III. **Introductions by Members and Participants**

#### IV. Committee Business

##### A. Approval of Minutes

Minutes for January 30, 2013, was unanimously approved.

##### B. Work Group Reports

###### 1. Education

Victor Machiche reported on the case scenarios, which will be used at the ICWA conference. Victor requested that feedback be provided to Laura Giaquinto or himself by Friday, March 29.

Victor reported that 260 individuals are registered for the conference and that anyone who was on the wait list has now been registered and their attendance confirmed.

Barbara Atwood and Victor made direct calls to tribal judges to spread the word about the conference. Due to their efforts, the number of tribal judges to attend the conference went from two to six.

Judge Quigley reported on the conference agenda. Judge William A. Thorne, Jr., Utah Court of Appeals, will be the main facilitator. Chief Justice Berch will not be able to attend the conference as planned, but Justice Scott Bales has agreed to attend and participate in the Welcome and Opening Prayer segment of the conference along with President Dr. M. Pattea, Fort McDowell Yavapai Nation. An individual needs to be identified for the master of ceremonies ("MC") position.

**Action Item:** Judge Quigley and Victor Machiche to meet and discuss the MC position.

Sandy White Hawk has requested an additional ½ hour for her section at the conference. Judge Steinle suggested cutting back the 8:30 a.m. portion of the conference to accommodate Sandy's request. The committee unanimously agreed to the change in the agenda.

Judge Quigley provided the following list of facilitators for the conference:

Name	Confirmed
1. Melissa Tatum	Yes
2. Bill Owsley	Yes
3. Laura J. Giaquinto	Yes
4. Judge Kathleen Quigley	Yes
5. Judge Kami Hart	Yes
6. Barbara Atwood	Yes

7. Edwin Gonzalez-Santin	Yes
8. Pauline Machiche	Yes
9. Chrissi Nimmo	
10. Regina Yazzie	Yes
11. Byron Donahue	Yes
12. Jennifer Espino	Yes

**Action Item:** Judge Quigley to confirm Chrissi Nimmo as a facilitator.

<b>Attorney Group</b>	<b>Co-Facilitator</b>
1. Jennifer Espino	Barbara Atwood
2. Bill Owsley	Laura J. Giaquinto

<b>Social Services Group</b>	<b>Co-Facilitator</b>
1. Pauline Machiche	Edwin Gonzalez-Santin
2. Regina Yazzie	Byron Donahue

<b>Judge Group</b>	<b>Co-Facilitator</b>
Judge Kathleen Quigley	Judge Kami Hart

<b>Other Group</b>	<b>Co-Facilitator</b>
Chrissi Nimmo	Melissa Tatum

Judge Quigley recommended that the facilitators meet before the conference to discuss what is to be expected of them and their roles.

**Action Item:** Victor Machiche to schedule a meeting with the facilitators to discuss what their roles will entail at the conference.

Michelle Nimmo recommended that blank Q&A cards be placed on each table and collected by collected and screened by the facilitators. Victor Machiche agreed to send out an email to the individuals who attended the conference the questions asked during the conference and the answers/responses.

**Action Item:** Victor Machiche to provide Q&A cards and send out an email to the attendees detailing the questions and answers asked during the Q&A segments of the conference.

Victor Machiche reported he send out electronic evaluations to the conference attendees. The committee requested that the information from the evaluations be presented at the next ICWA meeting.

**Action Item:** Victor Machiche to provide the results of the conference evaluation at the next ICWA meeting.

## 2. Law and Rules

Barbara Atwood reported on the draft Arizona ICWA Guide (“Guide”) prepared by University of Arizona law student John Walters. Copies were provided to the committee. Barbara stated that the intent of the Guide was to track the Michigan Guide format, but worded so as to broaden the audience beyond judges to include practitioners. The word “best” was dropped so just “practice tips” are provided. John added an “existing family exception” section where it was noted some additional citations should be added. Where useful, hyperlinks will be used to refer to a section of the Guide where a topic is discussed in greater detail.

The committee members recognized the hard work of both Barbara and John on the drafting of the Guide and recommended extending an invitation to John to attend the ICWA conference.

Dawn Williams is reviewing cases, which are being incorporated in the Guide.

**Action Item:** Judge Steinle, Dawn Williams, and Barbara Atwood to meet to discuss the most recent case law to be incorporated in the Guide.

Judge Quigley suggested sending out the Guide to stakeholders for comment to entities such as Bureau of Indian Affairs, Inter Tribal Council of Arizona, Court Forum, and tribal courts. Judge Steinle volunteered to review the Guide before sending out to stakeholders for comments. He stated the target date for comments to Barbara Atwood from the subcommittees should be Thursday, March 28, 5:00 p.m. so to allow time for revisions to be made to the Guide during the week of April 1. The Guide would then be sent out to the stakeholders no later than April 15.

**Action Item:** David Withey to supply the Guide to Court Forum members for their comments.

David Withey questioned if there was a platform, which could be used to post comments regarding the Guide. Victor Machiche stated that in the past the Survey Monkey system was used to gather comments. Adam Johnson suggested the possibility of using Facebook.

Judge Quigley recommended that during the opening segment of the conference Judge Thorne mention the Guide and that any comments should be directed to Judge Steinle or that comments can be placed in comment boxes. Further, that Judge Steinle will be available at the end of the conference in a specified conference room to discuss or take in comments.

**Action Item:** Victor Machiche will provide comments boxes for attendees to

drop off comments referring to the Guide.

3. Cross-Jurisdictional and Interagency Cooperation  
No discussion.

**C. Casey Family Programs May 2 Event**

Judge Steinle volunteered to present the Guide at the May 2, Casey Family Program sponsored event titled “Northern Lights – A vision Towards the Future.”

**Action Item:** Judges Quigley and Hart to discuss with Dennis Swain, Indian Child Welfare Program - Casey Family Programs, the possibility of Judge Steinle presenting the Guide at the May 2 event.

**D. Future Meeting(s)**

- Next ICWA meeting: May 30, 2013, 1:30 – 4:30 pm.

**Action Item:** Brenda Lee Dominguez to reserve a conference room and send out a notice of the May 30 meeting date and location to the ICWA members and participants.

- Court Forum meeting: May 31, 2013, 10 a.m., conference room 230.

**V. Open Forum**

No discussion.

**VI. Adjournment**

Meeting adjourned at 2:47 pm.